

State Supreme Court ruling may damage Public Records Act

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The Washington State Supreme Court in 2015 (Rachel La Corte/AP)

An attorney calls the court's decision "truly horrible" and says it effectively drives a sword through the heart of Washington's Public Records Act.

By [Seattle Times editorial board](#)
The Seattle Times

A RECENT Washington State Supreme Court ruling on a legal dispute over a public-records request may have wide-reaching consequences for anyone seeking public information.

In a 7-2 vote, the court ruled that a Jefferson County official erred in claiming that public information that had been requested did not exist. The public-record filers' subsequent lawsuit seeking that information failed because the statute of limitation had expired.

The court acknowledged that county officials broke the law by failing to make the proper disclosures. But the requester could not make a claim because of the statute of limitation. Sadly, much of the court's decision focused on which statute of limitation should apply, instead of acknowledging the bigger underlying issue of whether the ruling could set a new unintended precedent.

A well-crafted dissent by Justice Charles Johnson and signed by Justice Debra Stephens said the state should not give statute-of-limitation protection to government agencies that lie to the public in response to such records requests.

The dissent also points out that the majority opinion appears to rewrite the Washington Public Records Act, putting the burden of proof on a public-records requester to somehow know when the government's response is false and bring a lawsuit to prove it.

Attorney Michele Earl-Hubbard who filed a friend of the court brief calls the decision "truly horrible" and says it effectively drives a sword through the heart of Washington's Public Records Act.

The justices writing in the majority acknowledged their ruling could give agencies an incentive to withhold information. That would be "truly horrible" and against everything Washington's Public Records Act stands for.

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